

ARTICLE APPEARED
ON PAGE B-7

NEW YORK TIMES
4 AUGUST 1980

BILLY CARTER PANEL FACES SECRECY ISSUE

The Need to Protect Intelligence Sources Is Complicating Job Of Special Senate Inquiry

By JUDITH MILLER

Special to The New York Times

WASHINGTON, Aug. 3 — The need to protect sources of intelligence information is complicating a special Senate subcommittee's investigation of Billy Carter's involvement with the Libyan Government, according to Congressional aides.

Senator Richard G. Lugar, Republican of Indiana, who is a member of the special subcommittee of the Judiciary Committee as well as a member of the Senate Intelligence Committee, said in an interview, "As important as the Billy Carter episode may be, the protection of intelligence sources and methods in this inquiry is of far greater national significance."

Senator Lugar said an intelligence subcommittee had been formed to screen material for members of the special judiciary panel, who may find limits on the information they can make public about the Carter case without exposing intelligence sources.

In the Billy Carter case, intelligence information played a vital role at least twice: in March, when Zbigniew Brzezinski, President Carter's national security adviser, spoke to Billy Carter about his efforts to secure Libyan oil for an American oil company; and in May, when Attorney General Benjamin R. Civiletti was informed through intelligence sources that Mr. Carter had received a payment from the Libyans.

Concern About Brzezinski Role

What Mr. Brzezinski actually told Billy Carter is unclear, but there is concern among senior intelligence officials that sources of intelligence may have been inadvertently compromised. The White House disclosed last month that Mr. Brzezinski telephoned Billy Carter in March after reading an intelligence report that the President's brother was at-

tempting to help the Charter Oil Company obtain increased allocations of Libyan oil. Billy Carter initially said in an interview that Mr. Brzezinski had told him that the source of the report was "intelligence" information, though he later said that Mr. Brzezinski had not mentioned the source.

Jody Powell, the White House press secretary, said that Mr. Brzezinski, in his conversation with Billy Carter, had "couched his comments about the particular report in somewhat general terms because he was dealing with information from a sensitive source."

The subcommittee must determine how Mr. Brzezinski learned that the individual involved in the prospective oil deal was Billy Carter, since intelligence reports to White House officials do not normally contain the names of private citizens. And the panel must determine what Mr. Brzezinski said, if anything, about the source of the information.

Similarly, Attorney General Civiletti learned in May that the Libyan Government had paid \$220,000 to Billy Carter. At a news conference last month, Mr. Civiletti said that the Department had obtained its information from a "particular, lawful and legitimate source, which I am not able to discuss."

Problem With Expanded Inquiry

The subcommittee must determine whether the information provided to Mr. Civiletti was given, even inadvertently, to anyone else.

In addition, the expansion of the Senate investigation to include a study of United States-Libyan relations means that intelligence information may eventually put the subcommittee in a position to identify Senators and members of the House and state and local officials who have accepted campaign contributions from the Libyan Government or who are believed to have other ties to it.

The problem would then take on additional political overtones. Legislators are usually reluctant to embarrass their colleagues through such investigations, but if they do not use the information, they face possible charges of a cover-up. And if they name individuals, questions are raised about compromising intelligence sources.

Traditionally, intelligence sources have been among the most highly protected of the nation's secrets. Covert intelligence information is usually obtained in two ways: through agents and other human sources, and through the electronic interception of communications signals, generally without use of bugs or wiretaps. The United States, primarily

through the National Security Agency, uses satellites and ground stations to monitor radio, telegraphic and telephonic traffic throughout the world.

3 Intelligence Policy Issues

The Billy Carter matter raised three intelligence policy issues, initially for the Carter Administration, and now for the special Senate subcommittee.

First is the question of how the intelligence agencies learned of the involvement of Billy Carter, and perhaps of other individuals, with the Libyan Government. In many instances, intelligence agencies are supposed to destroy all references to private citizens, even prominent private citizens, whose names are mentioned or whose conversations are overheard in standard intelligence surveillance.

There is also the question of whether, and in what form, intelligence agencies passed names and information along to the White House or Justice Department.

Finally there is a problem of whether the White House or Justice Department officials have inadvertently compromised sources and methods by discussing the Libyan involvement with Billy Carter, or others who were not authorized to receive such information.

Senator Birch Bayh, chairman of the special committee, recently instructed the Senate Intelligence Committee, which he also heads, to prepare for the special subcommittee a report on efforts by the Libyan Government to influence American policy.

"Suppose I see some intelligence information that X, Y and Z in the Congress took money from the Libyans," Senator Bayh said. "That information needs to be made available to the committee. But it must be done in a way that doesn't reveal sources and methods."